

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|--------------------------|---|--------------|
| LARRY WAYNE GARRIS | : | CIVIL ACTION |
| v. | : | |
| DONALD T. VAUGHN, et al. | : | NO. 02-3794 |

ORDER

AND NOW, this day of 2002, it appearing that petitioner filed the above-captioned civil action on June 14, 2002, which seeks Habeas Corpus relief in this court pursuant to 28 U.S.C. §2254, and which clearly challenged two totally separate convictions in the Court of Common Pleas of Lancaster County, one imposed in 1978, and one imposed in 1985, and

it further appearing that on October 22, 2002, this court Ordered that petitioner file two new habeas corpus petitions, one attacking his 1978 conviction (which would retain the designation 02-cv-3794) and one attacking his 1985 conviction (which would, upon filing, be given a new civil action number), and also Ordered that if petitioner did not file new petitions on the current 28 U.S.C. §2254 forms attacking one (or both) of the aforesaid convictions attacked within ten days, the attack on that conviction (or those convictions) will be dismissed, and,

it further appearing that petitioner has not responded to the court's Order of October 22, 2002, it is hereby

ORDERED that Civil Action Number 02-cv-3794 (attacking petitioner's 1978 conviction and not his 1985 conviction) is DISMISSED WITHOUT PREJUDICE.

CLARENCE C. NEWCOMER, J.

